

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:05CR80-P-D

ANTHONY CABANISS,

DEFENDANT.

SEVENTH ORDER OR CONTINUANCE

This matter comes before the court upon Defendant's Motion for Continuance [72-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for July 17, 2006. Current defense counsel seeks a continuance because he has a previously scheduled trial in State court that will also commence on July 17, 2006.

The Government has filed no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from July 17, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance [75-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, September 25, 2006 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from July 17, 2006 to September 25, 2006 is excluded as set out above;

- (4) The deadline for filing pretrial motions is September 4, 2006;
- (5) The deadline for submitting a plea agreement is September 11, 2006; and
- (6) No further motions for continuance by the defendant will be granted in this matter.

SO ORDERED, this the 20th day of June, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE